

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DWAYNE PALMER,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent.

USDC SDNY
DOCT
FILED
12/5/14
-x

ORDER

JED S. RAKOFF, U.S.D.J.

On March 28, 2014, the Honorable James C. Francis IV, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter, recommending that the Court deny petitioner Dwayne Palmer's motion to vacate, set aside, or correct his sentence in all respects. On April 28, 2014, petitioner, through counsel, submitted his objections to the Report and Recommendation. Subsequently, on May 2, 2014, petitioner submitted amended objections pro se. Accordingly, the Court has reviewed the Report and Recommendation and the underlying record de novo.

Having done so, the Court finds itself in complete agreement with Magistrate Judge Francis's Report and Recommendation and hereby adopts its reasoning by reference. Accordingly, the Court denies the motion in all respects, with prejudice. In addition, because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253. Moreover, the Court certifies that any appeal from this Order would not be taken in good faith, as petitioner's

claims lack any arguable basis in law or fact, and therefore permission to proceed in forma pauperis is also denied. See 28 U.S.C. § 1915(a)(3); see also Seimon v. Emigrant Savs. Bank (In re Seimon), 421 F.3d 167, 169 (2d Cir. 2005). Clerk to enter judgment.

SO ORDERED.

Dated: New York, NY
~~November~~ 12/5, 2014


JED S. RAKOFF, U.S.D.J.